

Docket No. 1832K US

Response to Non-Final Office Action dated July 5, 2006Overview

5       Applicant amended the independent claim 1 and dependent claims 7, 9, 10 and 12. Applicant added new dependent claims 21-25. Applicant canceled claims 2-6, 8, and 11, 13-20. Support is found at paragraphs [0083] - [0088] and figures 6A and 6B of U.S. Patent Application US2005/0184264 A1 for amended 10 independent claim 1.

Response to Paragraphs 1 and 2.

15      Please amend the specification at paragraph [0009] from "Ser. No. \_\_\_\_," to Ser. No. 10/784,323. Also, please amend paragraph [0091] from "Ser. No. \_\_\_\_" to Ser. No. 10/784,604.

Response to Paragraphs 3 through 5.

20       Applicant canceled claims 3, 14, and 20.

Response to Paragraphs 6 and 7.

25      This non-final action rejected claims 1-20 under 35 U.S.C. section 102(b) as being anticipated by Summerville U.S. Patent No. 2,628,850, herein Summerville. Applicant respectfully suggests amended independent claim 1 is not anticipated. The Federal Court stated "anticipation requires disclosure in a single reference of each element of the claim under 30 consideration." See W.L. Gore & Assocs. V. Garlock, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983).

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Support for the amendment is found in figure 6A (i.e. first valve position) and figure 6B (i.e. second valve position). In both positions, the fluid flow is present. See Paragraphs 5 [0083] - [0088]. In a first position, the fluid flow is substantially reduced but not closed to fluid flow in the present invention. By contrast, Summerville teaches and discloses a biased valve that when in a first position or disconnected position fluid flow is prevented. See Summerville 10 at col. 1, lines 4-7.

**New Claims**

15 Applicant added new dependent claims 21 - 25. Support is found in the present application.

**Closing**

20 The Applicant respectfully requests allowance of the amended independent claim 1 and the dependent claims 7, 9, 10 and 12 depending directly or indirectly from amended independent claim 1.

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Applicant respectfully requests an Examiner interview, if the above amendments do not place this application in a condition of allowance. Applicant authorizes the Commissioner of Patents to charge Deposit Account Number 190,254 for any late fees or charges necessary to avoid abandonment. I can be reached direct at (508) 261-8476 or Edward.jarmolowicz@tycohealthcare.com.

10 Respectfully yours,



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